

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAM JOHNSON,)	
)	Case No. 3:17-cv-05862-RBL
Plaintiff,)	
v.)	STIPULATED MOTION FOR STAY OF
)	PROCEEDINGS AND ORDER
KING COUNTY.,)	
)	
Defendant.)	
_____)	

I. RELIEF REQUESTED

Plaintiff Pam Johnson and defendant King County jointly move the Court for an order staying all proceedings pending the Washington State Supreme Court's decision in the related matter of *End Prison Industrial Complex v. King County*, 200 Wn.App. 616, 402 P.3d 918 (2017) ("EPIC").

II. INTRODUCTION AND STATEMENT OF FACTS

Pam Johnson filed this class action on behalf of herself and all King County taxpayers who paid additional property taxes pursuant to King County Ordinance 17304, which was

JOINT MOTION FOR STAY
AND ORDER
Case No. 3:17-cv-05862-RBL

1 adopted by voters in Proposition 1. The EPIC opinion raises substantial doubt about the amount
2 of property taxes that the County may collect pursuant to Proposition 1. After this case was filed,
3 King County petitioned the Washington State Supreme Court to review the Court of Appeals'
4 decision in *EPIC*.

5 6 **III. STATEMENT IN SUPPORT**

7 The Court has the power to stay proceedings to control its docket, to conserve judicial
8 resources, and to ensure “economy of time and effort for itself, for counsel, and for litigants.”
9 *Landis v. North Amer. Co.*, 299 U.S. 248, 254 (1936). In deciding whether to grant a stay, courts
10 consider whether damage may result from a stay, the hardship or inequity a party may suffer
11 without a stay, and whether a stay would simplify or complicate the legal or factual issues
12 presented in the case. *Dependable Highway Express, Inc. v. Navigators Ins. Co.*, 498 F.3d 1059,
13 1066 (9th Cir. 2007). *See also Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1112 (9th Cir. 2005).

14
15 Plaintiffs’ claims in this case rely upon the Court of Appeals’ decision in *EPIC*. *See*
16 Complaint at ¶¶ 16, 54 (DE 1-1). On December 13, 2017, King County petitioned the
17 Washington State Supreme Court to review that decision. The decision of the Supreme Court on
18 whether to accept review and, if so, whether to affirm or reverse, will be central to litigation of
19 this matter.
20

21
22 In light of this uncertainty, the parties agree that a stay of all proceedings in this case
23 pending a decision of the State Supreme Court will best serve the interests of judicial economy,
24 reduce the risk of conflicting decisions, and avoid hardships on both parties. Without a stay, the
25 Court and the parties would be forced litigate a matter that could be rendered irrelevant by the
26 outcome of King County’s pending petition for review. Accordingly, the requested stay will
27

1 conserve judicial resources and ensure “economy of time and effort for itself, for counsel, and
2 for litigants.” *Landis* , 299 U.S. at 254.

3 IV. CONCLUSION

4 In light of the foregoing, the parties jointly request that the Court stay all proceedings in
5 this case pending the Washington State Supreme Court’s decision in the related matter of *EPIC v.*
6 *King County, Washington Supreme Court Cause No. 95307-4*. It would be appropriate for this
7 matter to proceed either (1) after the Washington State Supreme Court denies review, or (2) if
8 review is accepted, after the court issues a decision on the merits. In either event, the
9 Washington State Supreme Court will issue a mandate indicating its disposition of the matter and
10 the parties will promptly inform the court that the stay should be lifted.
11
12

13
14 RESPECTFULLY SUBMITTED, this 12th day of January, 2018.
15

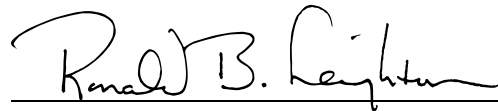
16 SMITH & LOWNEY, PLLC
17 /s/ Claire E. Tonry
18 Knoll Lowney, WSBA 23457
19 Claire E. Tonry, WSBA No. 44497
20 2317 E. John St.
21 Seattle, WA 98112
22 (206) 860-2883
23 Fax: (206) 860-4187
24 knoll@smithandlowney.com;
25 claire@smithandlowney.com,
26 *Attorneys for Pam Johnson*
27
28
29

1 DANIEL T. SATTERBERG
2 King County Prosecuting Attorney
3 /s/ David J. Hackett
4 DAVID HACKETT, WSBA #21236
5 Senior Deputy Prosecuting Attorney
6 King County Prosecuting Attorney's Office
7 500 Fourth Avenue, 9th Floor
8 Seattle, WA 98104-2136
9 Telephone: (206) 296-8820
10 Fax: (206) 296-8819
11 Email: david.hackett@kingcounty.com
12 *Attorneys for Defendant King County*

13 ORDER

14 The Court GRANTS the parties' stipulated motion. This matter is STAYED pending the
15 issuance of a decision by the Washington State Supreme Court in *EPIC v. King County*. The
16 parties shall immediately inform the court and the stay shall be lifted once the Washington State
17 Supreme Court issues its mandate from this case. Should one or both parties seek to lift the stay
18 at an earlier time, they may file a motion with this Court.

19 Dated this 17th day of January, 2018.

20
21 
22

23 Ronald B. Leighton
24 United States District Judge
25
26
27

28 JOINT MOTION FOR STAY
29 AND ORDER
Case No. 3:17-cv-05862-RBL
- 4